

Article - Transportation

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§23–203.

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed under this subtitle.

(2) If the Administration and the Secretary determine that the system can be installed and operated more effectively and economically by an independent contractor than if installed and operated by the Administration and the Secretary, the Administration and the Secretary may award the installation and operation of the inspection facilities to an independent contractor selected in accordance with the bidding procedures established by the laws of this State.

(3) (i) If, on or after July 1, 1991, the Administration and Secretary are required by federal law to extend the emissions control program to additional areas of the State and the Administration and Secretary determine that the inspection facilities can be installed and operated more effectively and economically by one or more independent contractors than if installed and operated by the Administration and Secretary, the Administration and Secretary may:

1. Award the installation and operation of the inspection facilities to one independent contractor for the installation and operation of all inspection facilities in this State; or

2. Create separate regions of the areas of the State required to participate in an emissions control program for the purpose of separately awarding contracts for the installation and operation of the inspection facilities required for each region to one or more independent contractors.

(ii) All independent contractors shall be selected in accordance with the procedures established under the State Finance and Procurement Article.

(iii) The Administration and the Secretary may establish a statewide centralized or decentralized program or any combination of centralized and decentralized programs in separate regions of the State.

(b) If the program is awarded to an independent contractor to operate centralized inspection facilities, the facilities shall be provided, equipped, and maintained by the independent contractor, and the operating personnel of the

facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23–201 of this subtitle.

(c) The Administration and the Secretary shall determine, on or before March 1, 1998, whether the following criteria for establishing a decentralized retesting program have been satisfied:

(1) Testing equipment and procedures, yielding results that correlate to tests and inspections performed at centralized inspection facilities in the State within 95% accuracy or within a different degree of accuracy approved by the Administration and the Secretary, are feasible for use in certified repair facilities approved for retesting of vehicles; and

(2) The establishment of a decentralized retesting option in the State does not result in a loss of emissions reduction benefits to the State under the federal Clean Air Act.

(d) If the Administration and the Secretary determine that the criteria listed in subsection (c) of this section have not been met in a given year, they shall determine, on or before March 1 of the succeeding year, whether the criteria have been satisfied in the intervening period.

(e) Notwithstanding subsections (a) and (b) of this section, if the program is awarded to an independent contractor to operate centralized inspection facilities and if the Administration and the Secretary have determined that the criteria listed in subsection (c) of this section have been satisfied, the Administration and the Secretary shall propose regulations to:

(1) Allow the owner of a vehicle that fails an exhaust emissions test or emissions equipment and misfueling inspection at a centralized inspection facility to have the vehicle retested at either a centralized inspection facility or an approved certified repair facility;

(2) Allow a certified repair facility to retest vehicles if approved for that purpose by the Department of the Environment;

(3) Require the initial exhaust emissions test and emissions equipment and misfueling inspection in each biennial test cycle to be performed at a centralized inspection facility;

(4) Establish criteria for testing equipment, procedures, and reporting of retests for approved certified repair facilities;

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee, determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

(6) Establish a reasonable fee for approval of a certified repair facility to perform retests, covering the costs of the approvals and oversight of the decentralized retesting program.

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